

OPEN MEETING AGENDA ITEM



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A. Glynn Ross 2014 JUN 10 A 10:00

June 9, 2014

405 S. Ponderosa
Payson Arizona 85541
808-896-5231

Arizona Corporation Commissions
1200 W. Washington Street
Phoenix Arizona 85007

AZ CORP COMMISSION
DOCKET CONTROL


ORIGINAL

Before the Arizona Corporation Commission

IN THE MATTER OF THE APPLICATION OF PAYSON
WATER CO., INC., AN ARIZONA CORPORATION FOR
A DETERMINATION OF THE FAIR VALUE OF IT'S
UTILITY PLANTS AND PROPERTY AND FOR INCREASES
IN ITS WATER RATES AND CHARGES FOR UTILITY
SERVICE BASED THEREON

DOCET NO: W-03514A-13-0111

Arizona Corporation Commission
DOCKETED :
JUN 10 2014

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF PAYSON
WATER COMPANY. INC., AN ARIZONA CORPORATION,
FOR ATHORITY TO: (1) ISSUE EVIDENCE OF
INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED
\$1,238,000 IN CONNECTION WITH INFRASTRUCTURE
IMPROVRMRNTS TO THE UTILITY SYSTEM; AND (2) PLANT
ENCUMBER REAL PROPERTY AND PLANT AS
SECURITY FOR SUCH INDEBTEDNESS

DOCKET NO: W-03514A-13-0142

MOTION TO ACCEPT (3)
LATE FILED EXHIBITES
TO JUNE 5, 2014EXCEPTIONS
TO THE RECOMMENDATIONS,
OF ADMINISTRATIVE LAW JUDGE

BY INTERVENER GLYNN ROSS (GISELA)

*Exhibit 4***TO: EDITORS, NEWS DIRECTORS****DATE: September 6, 2000****FOR: IMMEDIATE RELEASE**

**Public Comment Session for Water Company Sale
Set for September 14
Customers of Citizens Water Resources Invited to Learn More**

PHOENIX - On March 24, 2000, Citizens Utilities Company filed a joint application with Arizona-American Water Company to sell their water and wastewater business to Arizona-American. The sale must be approved by the Arizona Corporation Commission. In preparation for making such a decision, the Commission is holding a public comment session on September 14 in Sun City. The Commission holds public comment meetings to allow business and residential customers to explain their positions on issues such as changes in ownership.

If you have questions about the possible sale or would like to learn more about Citizens Utilities and Arizona-American Water Company, you are encouraged to attend the public comment session on September 14. It will begin at 5:00 p.m. in the Bell Recreation Center's Social Hall #1. The Bell Recreation Center is located at 16820 North 99th Avenue in Sun City. Public comment sessions typically last one and a half to two hours, depending on the number of people who wish to speak. Representatives of the Arizona Corporation Commission and both companies will attend to listen to the customers and answer questions. Commissioner Bill Mundell will chair the meeting.

The following subsidiaries of Citizens Utilities are included in the proposed sale: The Agua Fria Water Division of Citizens serving Surprise and nearby areas; the Sun City Water Company and Sun City Sewer Company serving Sun City, Youngtown and portions of Peoria; and Sun City West Utilities serving the water and wastewater needs of Sun City West and a portion of Surprise. In addition, Citizens Water Services Company of Arizona serves the water and sewer needs of Anthem area residents. Outside of Maricopa County, the Mohave Water Division provides service in the Bullhead City area, the Havasu Water Company serves customers in Lake Havasu City and the Tubac Valley Water Company serves customers in southern Arizona.

About the process:

Public comment sessions are formal proceedings. Residents will be asked to introduce themselves by name and then present their comments to the Commissioner(s) or company representatives. A court reporter will transcribe

See Page 1

all comments shared at the proceeding. Citizen input becomes a part of the official record that the Commissioners review prior to making any final decisions on pending matters.

A formal evidentiary hearing will take place beginning on September 27. The applicants and intervenors will provide sworn testimony before the Hearing Officer, an administrative law judge. The applicants will present evidence supporting their position and may be cross examined. Typically, the presiding Hearing Officer will issue his or her recommendations to the Commissioners 30 to 60 days after the conclusion of the hearing. Finally, the Commissioners will hear the matter in an Open Meeting and vote to amend, deny or approve the sale.

For more information on the meeting, please contact the Public Information Officer, Heather Murphy, at (602)542-0844.

Exhibit ^{*}5

Date: June 18, 2004

For: Immediate Release

PHOENIX - After months of deliberation, testimony and public comment, the Commissioners reached a unanimous decision to approve a combination of rate increases and decreases for 10 Arizona-American Water Company systems.

Arizona-American acquired the water and wastewater systems formerly owned by Citizens Water Resources in January 2002. The firm operates water and wastewater systems in the Anthem community north of Phoenix, Sun City, Sun City West and Surprise. The company also serves portions of Bullhead City, Lake Havasu City and Tubac, Arizona. In November 2003, the Commissioners traveled to six locations around the state to take public comment from residents and interested consumer groups.

The Commissioners also approved several amendments with unanimous votes. The sponsor of the amendment is listed in parentheses.

- **Water Conservation - Arizona-American** is ordered to notify customers of water conservation strategies that they can use to lower their bills and lower the amount of water they are using in the current drought. (Commissioner Jeff Hatch-Miller)
- **Fire-Flow Task Force -** Two amendments dealt with fire hydrant issues in the Sun City and Youngtown areas. Both communities have older areas with aging infrastructure that was installed when different fire control and water pressure standards applied. The Commissioners voted to have the company form a task force comprised of various consumer and stakeholder groups. The task force is asked to study whether water production capacity, storage capacity, water lines, water pressure and fire hydrants in Youngtown and Sun City are sufficient to meet the fire protection capacity desired by the communities. The other amendment requires Arizona-American and the local fire departments in these areas to test the hydrants periodically and submit annual reports to the Commission. (Commissioner Bill Mundell)

J. Alan Smith, Private Citizen
600 S Oak Street Space #4
Payson, Arizona 85541
(928) 951-2083 Wk.
In Propria Persona

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2014 JAN 29 A 11:54



Exhibit #6 2 pages

Before the Arizona Corporation Commission

COMMISSIONERS

Gary Pierce, Commissioner
Brenda Burns, Commissioner
Bob Stump, Chairman
Susan Bitter Smith, Commissioner
Bob Burns, Commissioner

Arizona Corporation Commission
DOCKETED

JAN 29 2014

ORIGINAL

DOCKETED BY

J. Alan Smith, Injured Party
Complainant,

vs.

PAYSON WATER CO. INC./BROOKE
UTILITIES INC.
Respondents.

DOCKET NO. W-03514A-12-0007

**NOTICE OF COMPLAINANT'S
FIFTH DISCOVERY AND
DISCLOSURE
ARCP RULE 26.1 AND
AAC RULE R14-3-109 et. Seq.**

NOW COMES, the Complainant J. Alan Smith to give notice to the Commission and the ACALJ Nodes for an extreme case on Obstruction of Justice. This notice includes the Respondents, Jim Pearson, Martin Zabala, Robin Mitchell Legal Staff, Attorneys of Payson Water Co.

1. Right to be Heard, Procedural Due Process:

The adversary hearing goes back to the very origins of Anglo American Law. "When we speak of *audi alteram partem*—Hear the other side—we tap fundamental precepts that are rooted deep in Anglo American legal history".

See: In re Andrea B., 405 N.Y.S. 2d 977, 981 (Fam. Ct. 1978).

That "a party is not to suffer in person or purse without an opportunity of being heard" is the oldest established principle in our administrative law.

See: Painter v. Liverpool Gas Co. 3 Ad. & El. 433, 449, 11 Eng. Rep. 478, 484 (K.B. 1836)

Even more important in differentiating the business place from the dwelling house is the fact that the operation of a business in the modern community is subject to regulatory power in the public interest.

Businesses subject to regulation are generally subject to extensive inspection authority on the part of the relevant regulatory agency, which normally includes the power to inspect the premises, books and records of the business concerned.

Factual Evidence Brooke Utilities

- a. Pine Water / Complaint by Pugel, 8/10/2007. Volume V court records page 928. Judge Nodes hearing the case. Brooke Utilities owns water systems throughout the state that we're serving about a little more than 8,000 customers. Brooke Utilities serves more customers than the Town of Payson Does. .
- b. In Docket No. W-03512A-06-0407 Pine Water / Complaint by Pugel, et al, Court Transcript . (8/6/2007) by AZRS Vol. VI, page 1244 lines 14-15 Is Payson Water Company owned by Brooke Utilities? Yes it is. So you are buying water from a relative corporation, correct? Correct. This was before Kristin K Mayes Commissioner and Dwight D. Nodes Assistant Chief Law Judge. Robert T Hardcastle testifies in front of Judge Nodes Payson Water Company is owned by Brooke Utilities and identifies it as a corporation. How could the Judge not know? Why would Robert T Hardcastle under oath in these proceedings that Brooke Utilities is not under the Jurisdiction of The Arizona Corporation Commission? So, he lied under oath in front of the same Judge and the Judge is not aware of this? The Complaint by Mr. Pugel contains the same issues in his complaint that have been raised in my complaint.
- c. Robert T Hardcastle testified in front of the Commissioners and Staff of the ACC March 13 2013, while trying to extend the rate hike hearing, customers suffered no harm!!!!
- d. The Complainant was given no notice that a ruling had been made by the ACALJ Nodes or Commission that Brooke Utilities is or is not under the Jurisdiction of the ACC, prior to the sale to J.W. Water Holdings.

Respectfully submitted

Glynn Ross X *Glynn Ross* Date, June 9, 2014
Three exhibits attached

405 S Ponderosa
Payson Arizona 85541
808-896-5231

ORIGINAL and thirteen copies of
the forgoing were filed this 9th day
of ~~JUNE~~ 2014 with Docket Control
Arizona Corporation Commission
1200 W Washington Street Phoenix
Arizona 85007

A Glynn Ross JUNE 9 2014

By A Glynn Ross Intervener, Gisela Rate Payer

Copies were mailed and/or delivered this ~~9th~~ ^{JUNE} day ~~of~~ ^{JUNE} of 2014 to the following.

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